

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

CHAPTER 278

# **HOUSE BILL 2453**

AN ACT

REPEALING SECTION 8-224, ARIZONA REVISED STATUTES; AMENDING TITLE 8, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 8-525; RELATING TO CHILD WELFARE AND PLACEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 8-224, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 8, chapter 5, article 1, Arizona Revised Statutes, is  
5 amended by adding section 8-525, to read:

6 8-525. Children; open court proceedings; factors; court  
7 admonition; contempt of court

8 A. EXCEPT AS OTHERWISE PROVIDED PURSUANT TO THIS SECTION, COURT  
9 PROCEEDINGS RELATING TO DEPENDENT CHILDREN, PERMANENT GUARDIANSHIP AND  
10 TERMINATION OF PARENTAL RIGHTS ARE OPEN TO THE PUBLIC.

11 B. AT THE FIRST HEARING IN ANY DEPENDENCY, PERMANENT GUARDIANSHIP OR  
12 TERMINATION OF PARENTAL RIGHTS PROCEEDING, THE COURT SHALL ASK THE PARTIES IF  
13 THERE ARE ANY REASONS THE PROCEEDING SHOULD BE CLOSED. FOR GOOD CAUSE SHOWN,  
14 THE COURT MAY ORDER ANY PROCEEDING TO BE CLOSED TO THE PUBLIC. IN  
15 CONSIDERING WHETHER TO CLOSE THE PROCEEDING TO THE PUBLIC, THE COURT SHALL  
16 CONSIDER:

17 1. WHETHER DOING SO IS IN THE CHILD'S BEST INTERESTS.

18 2. WHETHER AN OPEN PROCEEDING WOULD ENDANGER THE CHILD'S PHYSICAL OR  
19 EMOTIONAL WELL-BEING OR THE SAFETY OF ANY OTHER PERSON.

20 3. THE PRIVACY RIGHTS OF THE CHILD, THE CHILD'S SIBLINGS, PARENTS,  
21 GUARDIANS AND CAREGIVERS AND ANY OTHER PERSON WHOSE PRIVACY RIGHTS THE COURT  
22 DETERMINES NEED PROTECTION.

23 4. WHETHER ALL PARTIES HAVE AGREED TO ALLOW THE PROCEEDING TO BE OPEN.

24 5. IF THE CHILD IS AT LEAST TWELVE YEARS OF AGE AND A PARTY TO THE  
25 PROCEEDING, THE CHILD'S WISHES.

26 C. AT THE BEGINNING OF A HEARING THAT IS OPEN TO THE PUBLIC, THE COURT  
27 SHALL DO THE FOLLOWING:

28 1. ADMONISH ALL ATTENDEES THAT THEY ARE PROHIBITED FROM DISCLOSING ANY  
29 INFORMATION THAT MAY IDENTIFY THE CHILD AND THE CHILD'S SIBLINGS, PARENTS,  
30 GUARDIANS AND CAREGIVERS, AND ANY OTHER PERSON WHOSE IDENTITY WILL BE  
31 DISCLOSED DURING THE PROCEEDING.

32 2. EXPLAIN CONTEMPT OF COURT TO ALL ATTENDEES AND THE POSSIBLE  
33 CONSEQUENCES OF VIOLATING AN ORDER OF THE COURT.

34 D. A PERSON WHO REMAINS IN THE COURT AFTER THE ADMONITION PURSUANT TO  
35 SUBSECTION C MUST ABIDE BY THE COURT'S ORDER PROHIBITING DISCLOSURE OF THAT  
36 INFORMATION. THE COURT MAY FIND A PERSON WHO FAILS TO DO SO IN CONTEMPT OF  
37 COURT.

38 E. THE COURT MAY CLOSE AN OPEN PROCEEDING AT ANY TIME FOR GOOD CAUSE  
39 SHOWN AND AFTER CONSIDERING THE FACTORS PRESCRIBED IN SUBSECTION B.

40 F. IF A PROCEEDING HAS BEEN CLOSED BY THE COURT, ANY PERSON MAY  
41 SUBSEQUENTLY REQUEST THAT THE COURT REOPEN A PROCEEDING OR A SPECIFIC HEARING  
42 TO THE PUBLIC. IN RULING ON THIS REQUEST, THE COURT SHALL CONSIDER THE  
43 FACTORS PRESCRIBED IN SUBSECTION B.

APPROVED BY THE GOVERNOR JUNE 24, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 24, 2008.